

Approved:



JEFFREY W. COYLE
Assistant United States Attorney

Before:

THE HONORABLE VALERIE FIGUEREDO
United States Magistrate Judge
Southern District of New York

23 MAG 3855

UNITED STATES OF AMERICA

v.

VIRGIL WARDLOW,

Defendant.

SEALED COMPLAINT

Violations of 18 U.S.C. §§ 1591(a) and (b)(2);
21 U.S.C. §§ 812, 841(a)(1) and (b)(1)(C)

COUNTY OF OFFENSE:
BRONX

SOUTHERN DISTRICT OF NEW YORK, ss.:

STEVEN CONNOLLY, being duly sworn, deposes and says that he is an Investigator with the New York State Police (the "NYSP") and a Task Force Officer with the United States Attorney's Office for the Southern District of New York (the "USAO SDNY"), and charges as follows:

COUNT ONE
(Sex Trafficking of a Minor)

1. On or about March 25, 2023, in the Southern District of New York and elsewhere, VIRGIL WARDLOW, the defendant, willfully and knowingly, in and affecting interstate and foreign commerce, did recruit, entice, harbor, transport, provide, obtain, advertise, maintain, patronize, and solicit by any means a person, and did benefit financially and by receiving anything of value, from participating in a venture which has engaged in any such act, and having had a reasonable opportunity to observe such person, knowing and in reckless disregard of the fact that the person had not attained the age of 18 years and would be caused to engage in a commercial sex act, to wit, WARDLOW patronized and solicited a 16-year-old victim to engage in a commercial sex act.

(Title 18, United States Code, Sections 1591(a) and (b)(2).)

COUNT TWO
(Distribution of Narcotics)

2. On or about March 25, 2023, in the Southern District of New York and elsewhere, VIRGIL WARDLOW, the defendant, knowingly and intentionally distributed and possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance involved in the offense was a quantity of mixtures and substances containing a detectable amount of fentanyl and oxycodone, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(C).)

The bases for my knowledge and the foregoing charges are, in part, as follows:

4. I am an Investigator with the NYSP and a Task Force Officer with the USAO SDNY, and I have been personally involved in the investigation of this matter. This affidavit is based in part upon my conversations with law enforcement agents and others and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

Overview

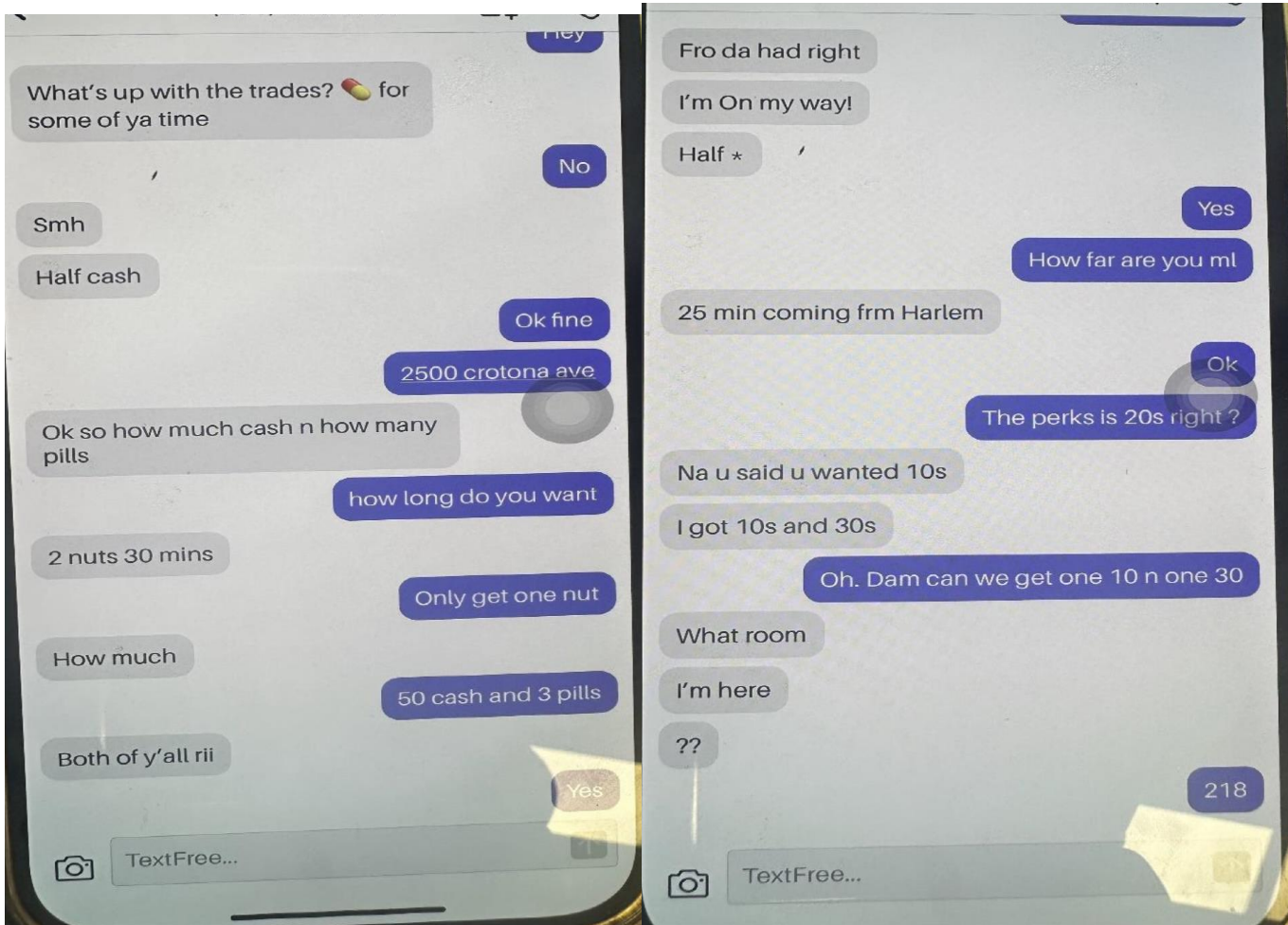
5. As explained below, the investigation to date has revealed that VIRGIL WARDLOW, the defendant, engaged in a pattern of paying for commercial sex with black-market pills that appear to contain fentanyl. On or about March 25, 2023, at a hotel room in the Bronx, New York, WARDLOW provided two of those pills to a 16-year-old female (“Victim-1”) in exchange for sex with Victim-1. After Victim-1 had sex with WARDLOW and WARDLOW left the hotel room, Victim-1 and her 19-year-old female friend (“Victim-2”) ingested the pills provided by WARDLOW. Thereafter, Victim-1 became ill and Victim-2 became unconscious and died.

WARDLOW Used Black-Market Fentanyl Pills and Cash to Solicit Sex with a Minor

6. Based on my review of the contents of a cellphone (the “Victim Phone”) that was provided to law enforcement by Victim-1, and my review of law enforcement reports, including those containing information provided by Victim-1, I have learned, among other things, the following:

a. From on or about March 22 through on or about March 25, 2023, a particular individual, identified below as VIRGIL WARDLOW, the defendant, used a particular cellphone number (“Wardlow Number-1”), to exchange text messages, including the following

text messages, with Victim-1 and/or Victim-2, that show, in substance and in part, WARDLOW describing that he will pay for sex with a combination of drugs and cash, a negotiation about how much the sex with Victim-1 and Victim-2 will cost, and arranging to meet at the Hotel Room shortly before Victim-2's overdose death. (WARDLOW's text messages are in grey and Victim-1 and/or Victim-2's messages are in blue.)



WARDLOW Obtained Cash from an ATM to Pay for Sex with a Minor

7. Based on my review of records from CashApp, I have learned, among other things, the following:

a. A particular cellphone number ("Wardlow Number-2") is linked to a CashApp account (the "Wardlow Cashapp Account") in the name "Virgil Wardlow," with the same date of birth, according to law enforcement records, as VIRGIL WARDLOW, the defendant.

b. On or about March 25, 2023, at approximately 4:00 a.m., the Wardlow CashApp Account was used to withdraw cash from an ATM in the Bronx (the "ATM") located a few blocks away from the Hotel Room.

8. Based on my review of surveillance camera footage from the vestibule where the ATM is located, it appears that VIRGIL WARDLOW, the defendant, used the Wardlow CashApp Account to make the withdrawal from the ATM. The still images from surveillance footage below show WARDLOW inside the vestibule withdrawing money from the ATM.





9. Based on my review of the following photograph of VIRGIL WARDLOW, the defendant, from the New York State Department of Motor Vehicles, and my review of the surveillance still images contained above, I believe that WARDLOW is the person depicted above.



WARDLOW Distributed Black-Market Fentanyl Pills in Exchange For Sex with a Minor

10. Based on my review of surveillance camera footage from outside the Hotel Room and text messages from the Victim Phone, I know that at approximately the time Wardlow Number-1 exchanged text messages with the Victim Phone inquiring about the number of the Hotel Room, surveillance camera footage shows VIRGIL WARDLOW, the defendant, outside of the Hotel Room. As depicted in the following still image from the surveillance footage, WARDLOW is a black male with long dreadlocks wearing a red hooded sweatshirt, khaki pants, white sneakers, holding a plastic bottle and cellular phone. Based on my comparison of this photograph with those set forth above, I believe that they all depict WARDLOW.



11. Based on my involvement in this investigation, my review of law enforcement reports and text messages contained in the Victim Phone, including reports and notes of interviews with Victim-1, and my discussions with other law enforcement officers, I have learned, among other things, the following:

a. On or about March 25, 2023, at approximately 4:11 a.m., VIRGIL WARDLOW, the defendant, arrived at the Hotel Room and provided Victim-1 pills (the “Pills”) that he described as a “Yerk-10” and a “Yerk-30,” which based upon my training and experience, I know are black-market pills that are commonly laced with fentanyl, and \$40 cash in exchange for sex with Victim-1, a 16-year-old female. When WARDLOW provided the Pills to Victim-1, Victim-1 observed WARDLOW remove the Pills from a bag that contained many other pills. After

receiving the Pills and the cash from WARDLOW, Victim-1 had sex with WARDLOW. WARDLOW then departed the Hotel Room.

b. Victim-1 described WARDLOW, whose name she did not know, as a black male with long dreadlocks.

WARDLOW's Black-Market Fentanyl Pills Appear to Have Caused Victim-2's Death

12. Based on my involvement in this investigation, my review of law enforcement reports, including reports and notes of interviews with Victim-1, and my discussions with other law enforcement officers, I have learned, among other things, the following:

a. Later in the morning on or about March 25, 2023, Victim-1 and Victim-2, a 19-year-old female friend of Victim-1, consumed the Pills provided by WARDLOW. The only other drug that Victim-1 and Victim-2 had consumed that day was marijuana.

b. After consuming the Pills, Victim-1 and Victim-2 felt ill and overheated. Victim-1 and Victim-2 went into a bathtub in the Hotel Room and filled it with cold water to cool down. Victim-1 passed out a short time later. When Victim-1 awoke thereafter, she observed Victim-2 to be non-responsive and called 911 to report that Victim-2 was unconscious and not breathing.

c. Law enforcement officers promptly responded to the Hotel Room, at which time they found Victim-2's body lying face up on a bed. At approximately 12:00 p.m. on or about March 25, 2023, an emergency medical services technician pronounced Victim-2 deceased.

d. On or about March 25, 2023, at approximately 2:30 p.m., an investigator from the Office of the Chief Medical Examiner of the City of New York ("OCME") noted that the death of Victim-2 appeared to be caused by a drug overdose.

e. Based on my discussions with a doctor from the OCME, I learned that a preliminary targeted drug screening test of Victim-2 yielded a positive result for the presence of fentanyl and oxycodone.

Additional Corroboration of WARDLOW's Identity

13. Based on my review of records from textPlus, Inc. ("textPlus") provided pursuant to a search warrant issued by the Honorable Ona T. Wang, United States Magistrate Judge for the Southern District of New York, I have learned, among other things the following:

a. Between at least on or about February 8, 2023 and on or about April 7, 2023, Wardlow Number-1 exchanged several messages with other individuals in which the user of Wardlow Number-1 offered to provide pills in exchange for sex and otherwise sell pills.

b. On or about February 8, 2023, Wardlow Number-1 texted another individual that, in substance and in part, a particular cellphone number (“Wardlow Number-2”) is the user of Wardlow Number-1’s “regular phone number” and that Wardlow Number-1 is the user’s “text free type #.”¹ Based on my review of an accident report prepared by the New York City Police Department (“NYPD”) on or about March 3, 2022, I know that “Virgil Wardlow” provided the NYPD with Wardlow Number-2 as his cellphone number.

c. On or about February 8, 2023, Wardlow Number-1 texted another individual that, in substance and in part, a particular email address (the “Wardlow Email Address”) is the email address to use with an advertisement for “classified hookups.” Based on my training and experience, I know that “classified hookups” is a reference to advertisements for commercial sex. The Wardlow Email Address was used to establish the textPlus account for Wardlow Number-1. In addition, based on my review of records from Google and Verizon, I know that the cellphone assigned to Wardlow Number-2 was used on at least three occasions from on or about January 24, 2023 through March 16, 2023, to access the Wardlow Email Address.

d. From on or about February 19, 2023, through on or about March 27, 2023, Wardlow Number-1 texted other individuals regarding commercial sex, in which the user of Wardlow Number-1 stated that he was located at a particular address in the Bronx, New York (the “Wardlow Address”). Based on my review of records from CSC Holdings, LLC (“Altice USA”) and Google, I know that between on or about January 1, 2023 and on or about March 29, 2023, the Wardlow Email Address was accessed via an internet protocol (“IP”) address located at the Wardlow Residence. Based on my review of the above-referenced NYPD accident report, I know that “Virgil Wardlow” provided the NYPD with the building address for the Wardlow Address as his place of residence.

¹ Wardlow Number-1 was issued by textPlus, which is a Voiceover Internet Protocol service that allows users to text and call phone numbers. textPlus provides users with a phone number that can be used on any smartphone, tablet, or desktop computer with an internet connection and can be used to conceal the true number of a device. Wardlow Number-2 is a traditional cellphone number for which service is provided by Verizon.

WHEREFORE the deponent requests that a warrant be issued for the arrest of VIRGIL WARDLOW, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.

Steven Connolly (by VF with permission)

STEVEN CONNOLLY

Task Force Officer

United States Attorney's Office for the
Southern District of New York

Sworn to before me by
reliable electronic means this
11 day of May, 2023



THE HONORABLE VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK